

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/3/2025

X-CALIBER FUNDING LLC,

Plaintiff

- against -

MARK PETERSEN,

Defendant.

24 Civ. 5529 (VM)

ORDER

MARK PETERSEN,

Third-Party Plaintiff,

- against -

JOSEPH C. TUERA, WALNUT CREEK
MANAGEMENT, L.L.C., and ILLINOIS DEBT
ACQUISITION COMPANY, L.L.C.,

Third-Party Defendants.

VICTOR MARRERO, United States District Judge.

The Court is in receipt of the January 29, 2025, letter informing the Court that Third-Party Defendants Joseph C. Tutera, Walnut Creek Management Company, LLC, and Illinois Debt Acquisition Company, LLC, [collectively, "Third-Party Defendants"] has completed the pre-motion letter exchange with Third-Party Plaintiff Mark Petersen ("Third-Party Plaintiff") regarding Third Party Defendants' anticipated motion to dismiss Third-Party Plaintiff's Complaint (Dkt. No.

51) and have failed to resolve the issue without resorting to motion practice

Having reviewed the pre-motion letters, the Court is not persuaded that a pre-motion conference is necessary at this time. The Court directs the parties to advise whether they consent for the Court to deem the pre-motion letters to constitute a fully briefed motion to dismiss and rule on the basis of those letters, or whether the parties request supplemental or full briefing.

If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within one (1) week of the date of this Order.

SO ORDERED.

Dated: 3 February 2025
New York, New York

A handwritten signature in blue ink, appearing to read 'VM', is written over a horizontal line.

Victor Marrero
U.S.D.J.